IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 683 of 2005 (S/S)

1. Krishna Prasad Semwal
   S/o Sri Kamleshwar Prasad Semwal
2. Smt. Seema
   D/o Sri Dayal Singh
3. Biresh
   S/o Sri Ram Swarup
4. Rup Chand
   S/o Sri Bhame Lal
5. Sharma Lal
   S/o Sri Yad Ram
6. Prem
   S/o Sri Nanka

…….. Petitioners

Versus

1. State of Uttaranchal.
   through its Secretary
   Urban Development, Dehradun.
2. Chairman Nagar Panchayat Chamba
   District Tehri Garhwal.

…….. Respondents.

Mr. H.S. Rawal, learned counsel for the petitioners.
Mr. N.S. Pundir, learned counsel for respondent No. 2.

Hon'ble Prafulla C. Pant, J.

Heard learned counsel for the parties.

2) By means of this petition, petitioner Nos. 1, a Clerk engaged on daily wages and petitioner Nos. 2 to 6, Sweepers, on daily wages working with Nagar Panchayat Chamba, District Tehri Garhwal, have sought their regularisation in service.

3) In the counter affidavit filed on behalf of Nagar Panchayat it has been stated that there are no post sanctioned against which the services of the petitioners can be regularized.

4) In view of the principle of law laid down in ***Secretary State of Karnataka Vs. Uma Devi, reported in (2006) 4 Supreme Court Cases, Pg. 01,*** that daily wage workers and the persons employed without undergoing regular selection process under the rules, should not be permitted to be absorbed or regularized in the service, against the Constitutional scheme of public employment, this Court is not inclined to issue direction to regularise services of the petitioners.

5. The writ petition is dismissed. Interim order, if any, stands vacated. (All pending applications in this Petition also stand disposed of).

(Prafulla C. Pant, J.)

Dt.: November 29, 2006
H. Negi